

## REMARKS

The specification has been corrected to more completely identify the pending applications and to more accurately define one of the SAE J1939 industry standard control modes.

Formal, corrected drawings will be provided upon notice of allowance.

The claims have been amended to overcome objections and 35 USC § 112 rejections thereof.

All claims (claims 1-27) have been rejected under 35 USC § 103 as unpatentable over *Kurihara '397* in view of *Kumura '265* (and *Chan '462* or *Genise '867*). These rejections, as they may apply to the amended claims, are respectfully traversed.

Applicants' invention, as claimed (claims 1-15 and 17-27), is a method/system wherein, under certain conditions, an engine output torque and a master friction clutch torque capacity are both controlled to equal a specific value (an idle torque value). In addition, engine speed is controlled to equal a specific value.

The idle torque value is defined (in claim 16 and all dependent claims) as sufficient to move the vehicle if the vehicle brakes are not applied, but not if the brakes are applied. This "urge to move" torque is discussed at page 6, lines 4-17 of the specification.

Claims 11 and 24, depending from claims 1 and 17, respectively, require that the system controller and engine controller communicate over an electronic data link. Page 7, lines 3-30, detail the advantages of this feature.

The present invention, as defined in the amended claims, is not, in the sense of 35 USC § 103, seen in or suggested by *Kurihara '397* in view of *Kumura '265* (or in further view of *Chan '462* and/or *Genise '867*).

*Kurihara '397* discloses a system for fully engaging or disengaging a clutch (called an "on/off" control). There is no teaching or suggestion (in the sense of 35 USC § 103) of setting clutch capacity to a particular value. *Kurihara '397* has no teaching or suggestion (in the sense of 35 USC § 103) of controlling engine output torque. *Kurihara '397* has no teaching or suggestion (in the sense of 35 USC § 103) of controlling engine speed.

*Kurihara* '397 has no teaching or suggestion of selecting a torque value and setting engine output torque and clutch torque to equal that selected value.

*Kurihara* has no teaching or suggestion of selecting an idle torque value for the engine output torque and the torque clutch capacity that is sufficient to allow vehicle movement if the brakes are not applied, but not if the brakes are applied. To the contrary, an entirely different clutch on/off logic (Fig. 2B), not the low speed running of Fig. 2D, is used if the vehicle brakes are applied.

Examiner's comments as to *In Re Rose*, as applied to the claims, is not understood. Setting a target torque value to equal a functional value is a matter of selecting a reference and causing an equality between a controlled parameter and a selected reference. It is not a matter of simply changing size.

*Kumura* '265 has no teaching or suggestion (in the sense of 35 USC § 103) of controlling engine speed or of controlling engine output torque. *Kumura* '265 teaches that at vehicle standstill, the clutch of a CVT (not a gear ratio transmission) is at almost engaged (column 6, lines 11-15) or slightly engaged (column 6, lines 32-35). The "start pressure" is selected to prevent racing of the engine, not to cause an "urge to move." There is no teaching of setting both the engine and clutch to an "urge to move" torque. To the contrary, the system is specifically defined as preventing movement ("prevent an unintentional starting of the vehicle," see column 6, lines 40-42).

In view of the foregoing, Examiner is respectfully requested to reconsider his position and to allow all claims, as amended.

Respectfully submitted,

  
\_\_\_\_\_  
HOWARD D. GORDON  
Registration No. 25,979  
Attorney for Applicant(s)

EATON CORPORATION  
Eaton Center  
1111 Superior Avenue  
Cleveland, OH 44114-2584  
Telephone 216/523-4134  
Facsimile 216/479-7015